IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 18409 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOPALNANDKISHORESHARMA - Petitioner(s)

Versus

MANAGERATULPRODUCTLTD. & 1 - Respondent(s)

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Appearance :

MR YV SHAH for Petitioner(s) : 1,
MR KEYUR GANDHI for Respondent(s) : 1
MR PD BHATE, AGP for respondent No 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 07/10/2005

ORAL JUDGMENT

Rule. Learned advocate Shri Gandhi waives service of notice of rule on behalf of respondent No.1 and learned AGP Shri Bhate waives service of notice of rule on behalf of respondent No.2.

2. In the present petition, the petitioner has made a grievance that his pending disputes were sought to be disposed of on the basis of consent which he had not given. The petitioner has made certain allegations against the respondents to suggest that the so called consent of the petitioner was not free consent. Learned advocate Shri Shah, however, submitted that the petitioner is interested in reviving the proceedings and he will not press the allegations made against respondent s if the said purpose is served otherwise. Learned advocate Shri Gandhi appearing for respondent No.1 submitted that the allegations of pressures and other connected allegations are completely false and if the petitioner does not press such allegations made in the petition, respondent No.1 has no objection to the proceedings being revived and being disposed of on merits by the concerned courts.

3. In view of the above discussion, learned advocate Shri Shah does not press the allegations of personal nature made against the respondents. In view of the consensus, the prayer for setting aside the settlement dated 12.8.05 can be accepted. Accordingly, settlement

dated 12.8.05 is declared as inoperative and not enforceable. With this direction, subsequent orders passed by the Labour Court and the Industrial Tribunal on the basis of such settlement will also not survive. The proceedings shall stand revived and shall be decided on merits. With these directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)

(vjn)